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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,577	01/10/2007	Fabrice Pinard	294013US6PCT	2725
22850	7590	07/28/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
MCNALLY, DANIEL				
ART UNIT		PAPER NUMBER		
1791				
NOTIFICATION DATE		DELIVERY MODE		
07/28/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/589,577

Applicant(s)

PINARD, FABRICE

Examiner

DANIEL MCNALLY

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-14 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in reply to the Response to Election/Restriction filed 3/28/2008. The previous restriction/election requirement mailed on 2/14/2008 by Examiner Chimiak was been withdrawn. A new requirement for restriction/election is included below.

Election/Restrictions

2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-13, drawn to a method of making a composite laminate part.

Group II, claim(s) 14, drawn to a composite laminate part.

3. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group I requires the following technical features: a steel sheet of thickness less than .65mm, coating the sheet with a polymer film which a thickness equal to or greater than 0.1mm, the coated sheet has a total thickness, drawing the coated sheet by a drawing tool comprising a punch, die and blank holder, and adjusting the material passage between the punch and die to satisfy the equation $E - 0.80 \times E_p \leq P_m \leq E$. All of the required technical features are disclosed by the prior art. Miyazawa et al. (US5653357, newly cited, herein "Miyazawa") discloses a method of making a composite laminated part, the method comprises providing a steel sheet with a thickness from .1-.5mm (column 6, lines 27-67), providing a film of adhesive polymers with a thickness of about .1mm (column 8, lines 20-21), laminating the sheet with the film (column 9, lines 32-35), the laminated sheet has a total thickness which is the sum of the individual layer thicknesses, the laminate is drawn by a tool comprising a punch, die and annular holding member (column 9, lines 22-31; column 9, line 66 - column 10, line 9). Miyazawa discloses using a convention drawing method but is silent as to the adjusting the value of the material passage. Saunders et al. (US5590558, newly cited, herein "Saunders")

Art Unit: 1791

discloses a method of draw processing a can. The method comprises a conventional draw practice along with preselecting a tool clearance equal to the can stock thickness, which eliminates any thickening of side wall metal during the cupping operation (column 6, lines 14-21). It would have been obvious to one of ordinary skill in the art to modify the method of Miyazawa by using a tool with a tool clearance equal to the thickness of the material being drawn as taught by Saunders in order to eliminate any thickening of side wall metal during the drawing operation. Because the clearance or "material passage" is equal to the thickness of the material being drawn, the claimed equation is satisfied. All technical features of Group I are disclosed by the prior art, therefore there are no special technical features between Groups I and II

4. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species A:

A1: wherein the punch is applied directly to the side of the sheet that is coated with the adhesive polymer film.

A2: wherein the punch is applied directly to the side of the sheet that is not coated with the adhesive polymer film.

Species B:

B1: wherein the polymer film is directly extruded onto the sheet.

B2: wherein the polymer film is formed before being applied to the sheet.

Applicant is required, in reply to this action, to elect a single species (one of A1 or A2 from Species A, and one of B1 or B2 from Species B) to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Art Unit: 1791

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

5. The claims are deemed to correspond to the species listed above in the following manner:

Species A1 (claim 2)

Species A2 (claim 3)

Species B1 (claim 7)

Species B2 (claims 8, 11 and 12) it is noted claims 11 and 12 are included in species B2 because the method steps of claims 11 and 12 are performed on the surface of the formed polymer film before being applied to the steel sheet. Claims 11 and 12 involve steps that are mutually exclusive from claim 7, because the film that is directly extruded onto the steel sheet can not be processed as required by claims 11 and 12.

The following claim(s) are generic: 1, 4-6, 9, 10, 13 and 14.

6. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: The teachings of the prior art, Miyazawa, teach the technical feature of applying a punch to the coated sheet, and the technical feature of laminating the polymer film to the steel sheet. The technical features of Species A1 and A2 are mutually exclusive and therefore lack a same or corresponding special technical feature. The technical features of Species B1 and B2 are mutually exclusive and therefore lack a same or corresponding special technical feature.

7. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

8. The examiner has required restriction between product and process claims.

Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product claim will not be rejoined. See MPEP § 821.04(b). Additionally, in order to retain the right to rejoinder in accordance with the above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims. **Failure to do so may result in a loss of the right to rejoinder.** Further, note that the prohibition against double

Art Unit: 1791

patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fujimoto et al. (US5901601, newly cited, herein "Fujimoto") discloses a method of drawn forming a plate, comprising defining a clearance or "material passage" to be approximately equal to the thickness of the plate in order to improve the accuracy of the bending process (column 4, lines 12-18; column 2, lines 19-29).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL MCNALLY whose telephone number is (571)272-2685. The examiner can normally be reached on Monday - Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1791

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel McNally/
Examiner, Art Unit 1791

/John L. Goff/
Primary Examiner, Art Unit 1791

/DPM/
July 18, 2008